

EXHIBIT “1”

Ben King

From: Dial, Audra [ADial@KilpatrickStockton.com]
Sent: Wednesday, August 16, 2006 3:25 PM
To: benking@nixlawfirm.com
Cc: Williams, Danielle; datatreasury@cooperiplaw.com
Subject: RE: Creative Payment Solutions Subpoena
Follow Up Flag: Follow up
Flag Status: Red

Thanks, Ben. We will be back in touch as soon as we have made contact with our client representatives. We appreciate your cooperation in this regard.

From: Ben King [mailto:benking@nixlawfirm.com]
Sent: Wednesday, August 16, 2006 4:23 PM
To: Dial, Audra
Cc: Williams, Danielle; datatreasury@cooperiplaw.com
Subject: RE: Creative Payment Solutions Subpoena

Audra,

Thank you for getting back with me and explaining the situation. We will proceed with serving a subpoena and amended notice for a designated date. However, as I have indicated, we are certainly willing to work with you regarding the actual deposition date and date for production of documents. Once your client rep returns on August 22 and you have an opportunity to speak with him/her about this issue, we will work to change the noticed dates, if necessary, to dates that are convenient for all parties and revise the notice if necessary. Thank you for your continued help and cooperation in resolving this matter.

Ben

--
R. Benjamin King
 Attorney - Nix, Patterson & Roach, L.L.P.
 2900 St. Michael Drive, Suite 500
 Texarkana, Texas 75503

Office: 903.223.3999
 Fax: 903.223.8520
 Cell: 903.278.5606

From: Dial, Audra [mailto:ADial@KilpatrickStockton.com]
Sent: Wednesday, August 16, 2006 12:05 PM
To: benking@nixlawfirm.com
Cc: Williams, Danielle; akbruster@nixlawfirm.com; datatreasury@cooperiplaw.com
Subject: RE: Creative Payment Solutions Subpoena

Ben,

I've just learned that our client representative is out of the office until August 22nd. I don't think I will be able to get any further answers to your questions until he returns to the office. As soon as we have further information, I will let you know.

Regards,

8/24/2006

Audra

From: Ben King [mailto:benking@nixlawfirm.com]
Sent: Tuesday, August 15, 2006 6:42 PM
To: Dial, Audra
Cc: Williams, Danielle; akbruster@nixlawfirm.com; datatreasury@cooperiplaw.com
Subject: RE: Creative Payment Solutions Subpoena

Audra,

Thank you very much for your cooperation. Once it is determined who will be presented on behalf of Creative Payments Solutions, please let us know what the total witness/mileage fee is and we will make sure to have it at the time of the deposition.

Also, in attempting to resolve the issues you raised regarding the subpoena, I have recognized a few additional issues since speaking with you, and they are addressed below.

(1) CPS objects to the deposition and production of documents at any location other than the offices of Kilpatrick Stockton. I presume the offices referenced are your offices in Winston-Salem, as opposed to your offices in Raleigh or another location.

(2) In our phone conversation, you also stated that your client was unwilling to allow you to accept service of the subpoena we plan to re-issue. In attempting to locate the registered agent for CPS, it appears that its registered agent is in Raleigh, which is in the Eastern District of NC. Recognizing that Winston-Salem is in the Middle District, and that the deposition and production of documents will occur in Winston-Salem if (1) above is correct, we intend to issue the subpoena out of the Middle District in accordance with Fed. R. Civ. P. 45(a)(2). While I believe it would be appropriate to serve a subpoena out of the Middle District of NC on CPS's registered agent that is located in the Eastern District, I want to be sure that there will be no objection raised as to this issue. In light of that, I would also request that you ask your client to reconsider and allow you to accept service of the subpoena on their behalf, particularly in light of the schedule we are working with in this matter. We believe this would make it easier on all parties involved. Please let me know your position on this issue.

(3) As I stated in our phone call, we are certainly willing to work with CPS as far as the date, time, and location of their deposition. You had indicated that a CPS representative is unavailable on August 23 as originally noticed, but said you would attempt to determine a date that an appropriate CPS rep is available. So that we can coordinate with all counsel, could you please provide me with alternative dates that a CPS representative would be available for the deposition to occur no later than August 31, 2006? Since it was indicated that CPS never received the topic list from the original notice, we will be more than happy to provide that in advance for your reference in determining the appropriate person(s) and dates they will be available. The topic list that accompanied the original notice is attached. If possible, could you please attempt to provide that information by 5:00 CST on Wednesday, August 16, 2006. If you cannot provide it by then, please let me know when you believe you will be able to provide me with that information so that the schedules of all parties involved can be coordinated.

We appreciate your cooperation in resolving these issues. We hope to minimize the effort and time spent on these issues by all parties involved in this regard and further avoid needless delay due to various formalities.

Respectfully,
Ben

--

R. Benjamin King
Attorney - Nix, Patterson & Roach, L.L.P.
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From: Dial, Audra [mailto:ADial@KilpatrickStockton.com]
Sent: Tuesday, August 15, 2006 4:04 PM
To: benking@nixlawfirm.com
Cc: Williams, Danielle
Subject: RE: Creative Payment Solutions Subpoena

Ben,

The witness fee and mileage can be paid at the time of the deposition. Thanks.

-Audra

From: Ben King [mailto:benking@nixlawfirm.com]
Sent: Tuesday, August 15, 2006 4:42 PM
To: Dial, Audra
Subject: Creative Payment Solutions Subpoena

Audra,

Thank you for your phone call regarding the Notice and Subpoena issued to Creative Payment Solutions. As I mentioned during our phone call, we will be reissuing a subpoena to CPS shortly. One issue I failed to discuss with you related to the witness and mileage fee. If you will let us know what the witness/mileage fee will be, we will tender that amount at the time of the deposition, if that is OK with you, as opposed to providing it with the notice and subpoena we will be re-issuing. Please let me know if you are agreeable to this. Thank you for your cooperation as we work to resolve the various issues raised in Danielle's letter to Anthony Bruster..

Respectfully,
Ben

R. Benjamin King



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Ben King

From: Dial, Audra [ADial@KilpatrickStockton.com]
Sent: Wednesday, August 16, 2006 10:01 AM
To: benking@nixlawfirm.com
Subject: RE: Creative Payment Solutions Subpoena

Ben,

I'm still working on some of your questions regarding availability of our witnesses. But, here are some answers:

1. The depo. should be at our Winston-Salem, NC office.
2. It is fine to issue the subpoena from the Middle District of NC, rather than the Eastern District of NC.
3. I cannot accept service of the subpoena.

-Audra

From: Ben King [mailto:benking@nixlawfirm.com]
Sent: Tuesday, August 15, 2006 6:42 PM
To: Dial, Audra
Cc: Williams, Danielle; akbruster@nixlawfirm.com; datatreasury@cooperiplaw.com
Subject: RE: Creative Payment Solutions Subpoena

Audra,

Thank you very much for your cooperation. Once it is determined who will be presented on behalf of Creative Payments Solutions, please let us know what the total witness/mileage fee is and we will make sure to have it at the time of the deposition.

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(3) As I stated in our phone call, we are certainly willing to work with CPS as far as the date, time, and location of their deposition. You had indicated that a CPS representative is unavailable on August 23 as originally noticed, but said you would attempt to determine a date that an appropriate CPS rep is available. So that we can coordinate with all counsel, could you please provide me with alternative dates that a CPS representative would be available for the deposition to occur no later than August 31, 2006? Since it was indicated that CPS never received the topic list from the original notice, we will be more than happy to provide that in advance for your reference in determining the appropriate person(s) and dates they will be available. The topic list that accompanied the original notice is attached. If possible, could you please attempt to provide that information by 5:00 CST on Wednesday, August 16, 2006. If you

8/24/2006

cannot provide it by then, please let me know when you believe you will be able to provide me with that information so that the schedules of all parties involved can be coordinated.

We appreciate your cooperation in resolving these issues. We hope to minimize the effort and time spent on these issues by all parties involved in this regard and further avoid needless delay due to various formalities.

Respectfully,
Ben

--
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From: Dial, Audra [mailto:ADial@KilpatrickStockton.com]
Sent: Tuesday, August 15, 2006 4:04 PM
To: benking@nixlawfirm.com
Cc: Williams, Danielle
Subject: RE: Creative Payment Solutions Subpoena

Ben,

The witness fee and mileage can be paid at the time of the deposition. Thanks.

-Audra

From: Ben King [mailto:benking@nixlawfirm.com]
Sent: Tuesday, August 15, 2006 4:42 PM
To: Dial, Audra
Subject: Creative Payment Solutions Subpoena

Audra,

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Respectfully,
Ben

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Ben King

From: Ben King [benking@nixlawfirm.com]
Sent: Monday, August 14, 2006 2:11 PM
To: 'DTWILLIAMS@KilpatrickStockton.com'
Cc: 'DataTreasury'; 'akbruster@nixlawfirm.com'
Subject: RE: DTC/MagTek

Danielle,

I am writing in regards to your letter to Anthony Bruster on August 11 regarding the notice of deposition and subpoena issued to Creative Payments Solutions, Inc. on August 7, 2006.

As an initial matter, we wish to proceed with the deposition. In order for the deposition to proceed, will you require us to serve another subpoena to correct any deficiencies you addressed in your letter? If so, and in light of the fact that you represent Creative Payment Solutions, will you accept service?

With regard to the witness fee and/or mileage fee, if you will advise us of the total amount of this fee, we will tender the fee at the time of the deposition.

Finally, we are willing to work with you and your client regarding the location of the deposition.

Thank you for your attention to this matter.

Respectfully,
 Ben

--

R. Benjamin King
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 Fax: 903.223.8520
 Cell: 903.278.5606

From: DataTreasury [mailto:datatreasury@cooperiplaw.com]
Sent: Friday, August 11, 2006 9:38 PM
To: Anthony Bruster; Ben King; 'Cary Patterson'; Ed Hohn; 'Karl Rupp'; Lori Remmel; 'Min Ren'; Moni King; 'Nelson Roach'; Rod Cooper; 'Brady Paddock'; Stephanie McKnight; dan@cooperiplaw.com; dpirkey@nixlawfirm.com; nicolereed@nixlawfirm.com; edchin@nixlawfirm.com
Subject: FW: DTC/MagTek

From: Williams, Danielle [mailto:DTWILLIAMS@KilpatrickStockton.com]
Sent: Friday, August 11, 2006 3:27 PM
To: akbruster@nixlawfirm.com; datatreasury@cooperiplaw.com
Cc: Boice, Bill; Dial, Audra; Nelson, Bruce; david.dillard@cph.com; Brian Brookey
Subject: DTC/MagTek

Please see attached correspondence.

8/24/2006



E. Danielle Thompson Williams
Kilpatrick Stockton LLP
1001 West Fourth Street
Winston-Salem, NC 27101-2400
t 336 607 7306
f 336 734 2616

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